



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

JUN 8 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7791 5619

Big Horn County Commissioners
c/o Donald Russell, Chair
POB 31
Basin, WY 82410

Re: Notice of Safe Drinking Water Act
Enforcement Action against American
Colloid Company PWS ID #5601252

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the American Colloid Company in Lovell, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The American Colloid Company is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.201, 141.21(g)(1), 141.21(g)(2), and 141.31(b) by: exceeding the total coliform maximum contaminant level, failing to monitor for total coliform, failing to provide public notice of one of the violations, and for failing to report SDWA violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-W

JUN 8 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7791 5602

C.T. Corporation System
Registered Agent, American Colloid
1720 Carey Avenue, Suite 200
Cheyenne, WY 82001

Re: Administrative Order
Docket No. SDWA-08-2005-0024
PWS ID #5601252

Dear Madam or Sir:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the American Colloid Company ("ACC") is a supplier of water as defined by the SDWA and that ACC has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.201, 141.21(g)(1), 141.21(g)(2), and 141.31(b) by: exceeding the total coliform maximum contaminant level, failing to monitor for total coliform, failing to provide public notice of one of the violations, and for failing to report SDWA violations to EPA.

If the ACC complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the ACC to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA. A brochure entitled "Funding



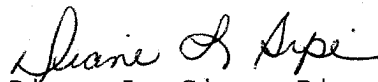
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Options for Privately-Owned Public Water Systems in Wyoming" is also enclosed as well as a public notice template that includes all violations contained in the enclosed order.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Michelle Marcu, Enforcement attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
SBREFA
Funding Brochure
public notice template

cc: Rex Anderson, American Colloid Company
WY DEQ (via email)
WY DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2005 JUN -8 PM 1:23

IN THE MATTER OF)

American Colloid Company)

Lovell Plant)

Lovell, Wyoming)

Respondent)

Proceedings under Section 1414(g))

of the Safe Drinking Water Act,)

42 U.S.C. § 300g-3(g))

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0024

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. American Colloid Company (Respondent) is a corporation under the laws of the State of Delaware as of August 1995 and is therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the American Colloid Company Lovell Plant Water System (the "System"), located in Big Horn County, Wyoming for the provision to the public of piped water for human consumption.

3. The System regularly serves an average of at least 25 of the same individuals for at least 6 months out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-transient, non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a September 29, 2004 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by a groundwater source consisting of five wells with no treatment and provides bottled water for drinking purposes. The System serves approximately 90 persons through 5 service connections and is operational all year.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21(a)(2) requires any non-transient, non-community public water systems serving an average daily population of less than 1,001 with a groundwater source to monitor their water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during July, August and October 2004 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of four repeat samples after a total coliform positive routine sample in June and August 2004, in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.21(b)(5) requires any public water system that collects fewer than 5 routine samples per month and has one or more total coliform positive sample to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in July, August and September 2004 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

IV.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any National Primary Drinking Water Regulation (NPDWR) violations, including violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 part 141.
2. Respondent has not provided public notice of the August 2004 noncompliance detailed in the preceding Section I, in violation of 40 C.F.R. § 141.201.

V.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violations detailed in Section I, in violation of 40 C.F.R. § 141.21(g)(1).

VI.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections II and III, in violation of 40 C.F.R. § 141.21(g)(2).

VII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section IV, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. If the System has a total coliform MCL violation within twelve months of the effective date of this Order, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into consistent compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. This plan shall be submitted to EPA within 30 days of the total coliform MCL violation. The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The plan shall, at a minimum, incorporate the two recommendations detailed in the sanitary survey conducted September 29, 2004. The proposed schedule shall include specific milestone dates, a final installation date that shall be within 3 months from the total coliform MCL violation, and it shall be submitted to EPA and Wyoming Department of Environmental Quality for approval. The plan must be approved by EPA before construction/modifications can commence.
2. If a plan is required as outlined in paragraph 1 above, the schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.

3. If a plan is required as outlined in paragraph 1 above, Respondent shall submit to EPA quarterly reports on the progress made toward bringing Respondent's system into consistent compliance with the coliform bacteria MCL at 40 C.F.R. § 141.63. The first quarterly report shall be submitted to EPA within 90 days of the total coliform MCL violation referenced in paragraph 1 of this Section.
4. Upon the effective date of this Order, Respondent shall comply with all total coliform repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap.

Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

5. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
6. No later than 30 days from the effective date of this Order, Respondent shall provide a notice to the public of the violations specified under the Findings of Violation in this Order to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the System OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably

calculated to reach other persons served by the System if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the publication notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements

under 40 C.F.R. § 141.21 to EPA within ten days after the Respondent discovers the violation.

9. Except where a different reporting period is specified in paragraphs 7 and 8 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
10. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, CO 80202-2466

GENERAL PROVISIONS

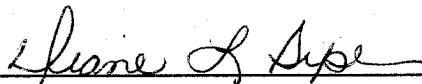
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).

3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 8th day of June, 2005.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

WYOMING
WATER/WASTEWATER
TASK FORCE

Governor Jim Geringer established the

Wyoming Water/Wastewater Task

Force in 2001 as an interagency effort

to reduce the likelihood of waterborne

disease outbreaks in Wyoming. Govern-

ment agencies represented on the Task

Force include the Wyoming Department

of Agriculture, Wyoming Department of

Health, Wyoming Department of Envi-

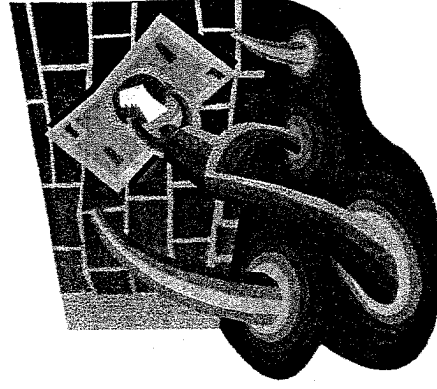
ronmental Quality, several county

health departments, and the U.S.

Environmental Protection Agency.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Monitoring Requirements Not Met AND Tests Showed Presence of Coliform Bacteria
AMERICAN COLLOID COMPANY - LOVELL

Our water system had violated several drinking water standards. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

1) We routinely monitor for the presence of drinking water contaminants. We took samples for coliform bacteria during August 2004 and two or more of those samples showed the presence of coliform bacteria. The standard is that no more than one sample per month may do so.

What This Means: This was not an emergency. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.* Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system.

You may drink the water. However, if you have specific health concerns, consult your doctor. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers.

2) We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2004 we did not complete all monitoring or testing for bacteriological quality and therefore cannot be sure of the quality of our drinking water during that time.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for during the last year, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
bacteriological-repeat	4 samples after a TC+	0 2	June 2004 August 2004	if any future TC+ samples
bacteriological additional routine	5 samples month after TC+	1 2 0	July 2004 August 2004 September 2004	if any future TC+ samples

What happened? What is being done? For MCL violation, well treated with bleach/chlorination. Will sample as required in future. Call Rex Anderson at 307-548-6521 if you have questions.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (visitors for example). You can do this by posting this notice in a public place or distributing copies by hand or mail. Note: send copy to EPA after public notice is complete with the date distributed and signature.



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman

